IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.759 OF 2004
IN
SUMMONS FOR JUDGEMENT NO.29 OF 2003
IN
SUMMARY SUIT NO.3291 OF 2003

Punjab National Bank Appellant

vs.

M/s.S.P.Jagdish & Company & ors. Respondents

Mr.Pankaj Kawli i/b. Ms.M. Monteiro for the appellant.

Mr. Shashi Jain with Ms.N.Desai for the respondent no.1.

Mr.M.O.Siodia i/b. M/s.Rustomji & Ginwala for the respondents 2 to 4.

Ms.S.I. Shah with Ms.Geeta Shastri and Mr.J.D.Bhosak for the respondent no.5.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 16th December 2004

P.C.

After having heard the learned counsel for the parties, we are satisfied that the order passed by the learned trial Judge on 20th September 2004 against the appellant (respondent no.4) may be modified by the following order:

The defendant no.4 is granted conditional leave to defend the suit subject to furnishing their own Bank

Guarantee in the sum of Rs.3,77,000/- to the satisfaction of the Prothonotary & Senior Master within six weeks from today.

2. Appeal is disposed of accordingly.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)